

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED
8/19/21 9:35 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re: : Case No.: 19-20911-GLT
: Chapter: 13
Ashley M. Yohe :
:
:
:
Debtor(s). : Date: 8/18/2021
Time: 01:00

PROCEEDING MEMO

MATTER: #40 Continued Status Conference on Payment of Attorney Fees of Andrews Federal Credit Union filed by Debtor
#44 Response in support of motion filed by Andrews FCU
#49 Status Report filed by Debtor
#53 Second Status Report filed by Debtor

#53 Status Conference on the Debtor's Second Status Report with Andrews Federal Credit Union
#62 Status Report filed by Debtor

APPEARANCES:
Debtor: Lauren M. Lamb
Andrews FCU: Kristen Little

NOTES: (1:23)

Lamb: Unfortunately the updated information did not address the first mortgage history, which is the bigger issue of the two. There was one tab on the spreadsheet that seems to indicate a distribution was made to a personal loan, and the trustee has not made distributions to unsecureds. I only have more questions at this point. I am going to re-create the history going back to the beginning of 2019.

Court: You didn't get a loan history for the first mortgage?

Lamb: Not an updated one. Since the last hearing I've received an excel spreadsheet - one tab is a ledger of all payments received and allocated, there are four tabs that deal with a home equity loan, and one tab labeled personal.

Little: I spoke with the credit union and gave them suggestions about how to proceed. They chose an outside vendor to create the ledger, and I just received the information as well. My client is aware that they have to make the debtor whole - we've offered \$5,000 in fees. I don't think the FCU has more than 40 loans in bankruptcy in the country. My client agrees that both loans are current, but Attny Lamb can't determine if the loans have been overpaid. I believe my client tried to comply.

Court: What I have in mind are a few options: If Attny Lamb wants to take the burden to re-create the ledger that is acceptable, as long as she is fully compensated. Or perhaps a history needs to be made contemporaneously as the parties go through the activity line by line.

Lamb: The debtor has concerns about the prior delinquencies impacting her credit rating, she's also concerned that the Forms 1098 were incorrect so she's held off filing her 2020 income tax returns. I would hope to complete the Form 410a and get it to Attny Little within 30 days.

Court: Is there a starting figure or are we going back to loan origination?

Lamb: The problem starts immediately after filing. The FCU also made an automatic deduction from the debtor's account that will impact its proof of claim.

Court: I will give the debtor some time to recreate the Form 410a, but if it's unable to be resolved I may require a rep from the FCU to come here and explain and go through the numbers.

OUTCOME:

1. The Continued Status Conference on *Payment of Attorney Fees of Andrews Federal Credit Union filed by Debtor* [Dkt. No. 40] and the Status Conference on the *Debtor's Second Status Report with Andrews Federal Credit Union* [Dkt. No. 53] are CONTINUED to September 22, 2021 at 9 a.m. To the extent the Debtor intends to complete a Form 410a, she shall do so and provide a copy to Andrews Federal Credit Union and the Court on or before September 17, 2021. [Text Order to Issue]

DATED: 8/18/2021